

**PRE-APPEAL BRIEF REQUEST FOR
REVIEW**

Docket Number 042933/269511

(filed with the Notice of Appeal)

Application Number: 10/749,652

Filed: December 31, 2003

First Named Inventor: Andreas Myka

Art Unit: 2168

Examiner: Jay A. Morrison

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

Respectfully submitted,



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Attachment
Reasons for Requesting Pre-Appeal Brief Request For Review

This communication is filed in response to the final Office Action of January 12, 2007 and the Advisory Action of March 16, 2007. The final Official Action continues to reject Claims 14-33 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 14-23 are further rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0021591 to Grosvenor et al. (“Grosvenor”). Claims 1-13, 34, 36-53, 55, and 57-68 are rejected under 35 U.S.C. § 103(a) as being obvious over Grosvenor in view of U.S. Patent Application Publication No. 2004/0203797 to Burr. As explained below, Applicants respectfully request reconsideration and reversal of the aforementioned rejections.

I. Summary of embodiments of the claimed invention

Embodiments of the claimed invention are directed to wirelessly bonding a master device to a plurality of slave devices, collecting a plurality of media files and associated metadata from the slave devices, and returning the collection of media files and metadata to the slave devices. More particularly, in one embodiment, the master device monitors an area for other devices and receives presence information from a potential slave device. If the presence information is from a new device (a device that has yet to be bonded to the master device), the master device sends the potential slave device a request to bond with the device along with media file transfer parameters. The media file transfer parameters include instructions to the slave device as to what metadata should be included with a media file when the slave device transmits the media file to the master device. The slave device then responds to the bonding request with an acceptance signal along with sharing information. When the slave device captures an image or otherwise has a media file to share, the slave device sends the media file to the master device with metadata in accordance with the media file transfer parameters. The master device combines the media files and the metadata from the various slave devices using a media diary application and transmits the collection of media files and metadata back to the slave devices in accordance with the sharing information. In some embodiments, the combining and correlating of the media files and metadata is conducted by an auxiliary device in communication with the master device.

II. Claims 14-33 are directed to statutory subject matter as required by 35 U.S.C. § 101.

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The final Office Action rejected Claims 14-33 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. More specifically, the final Office Action submits that the claims must recite a useful, concrete, and tangible result. In rejecting Claims 14-33, the Office Action submits that the claims are useful and concrete, but fail to produce a tangible result because no result is stored to non-volatile media or made tangible by, for example, returning a result to the user. See the final Office Action, page 3. Applicants, however, submit that independent Claims 14 and 24 produce a tangible result by communicating information between the master device and the bonded device. Specifically, the invention of independent Claim 14 produces a tangible result since independent Claim 14 recites communicating media file transfer parameters from a master device to a bonded device. The invention of independent Claim 24 produces a tangible result since independent Claim 24 recites communicating a plurality of media files from a bonded device to a master device. Therefore, Claims 14 and 24, as well as the claims that depend therefrom, each recite a result that is at least as tangible as the Office Action's example of returning a result to a user.

III. Claims 14-23 are patentably distinct from the Grosvenor reference.

The final Office Action rejected independent Claim 14, and the claims that depend therefrom, under 35 U.S.C. § 102(e) as being anticipated by the Grosvenor reference. Independent Claim 14 is directed to a method for bonding devices and communicating media file transfer parameters between the devices. Amongst other recitations, Claim 14 recites a master device monitoring an area of interest for the presence of potential bondable devices and receiving a presence signal from a potential bondable device. Claim 14 further recites: determining bond capability of the potential bondable device; approving the potential bondable device as a bonded device; and communicating media file transfer parameters from the master device to the bonded device. For example, Figures 7A, 7B, and 7C illustrate embodiments of the claimed invention.

In response to our previously-submitted argument that Grosvenor does not teach or suggest bonding the master device to another device by the recited steps of monitoring, receiving, determining, and approving, the final Office Action cites paragraphs 0060 and 0067 of Grosvenor as disclosing a master device monitoring an area of interest for the presence of potential bondable devices and receiving a presence signal from a potential bondable device. See the final Official Action, page 26. Paragraphs 0060 and 0067 of Grosvenor describe that a

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plurality of synchronized cameras can send their digital pictures to a common repository. Grosvenor further describes that a web address can be provided to users of the cameras so that the users can access the repository on the web and view the collection of pictures. *See* Grosvenor, ¶¶ 0059, 0060, and 0067. When rejecting independent Claim 14, the final Office Action equates the repository described in Grosvenor to the master device of the claimed invention. Specifically, the Office Action submits that the repository performs the claimed monitoring step when the cameras synchronize with the repository and that the repository performs the claimed receiving step when the repository receives photographs from the cameras. *See* the Office Action, page 26. The Office Action, however, incorrectly equates the repository of paragraphs 0060 and 0067 to the master device of Claim 14. Specifically, Claim 14 recites that media file transfer parameters are transferred from the master device to the bonded devices. Grosvenor, however, does not describe transferring media file transfer parameters from the repository to the bonded device. Thus, the repository described in Grosvenor is not equivalent to the claimed master device. As a result, Grosvenor and, in particular, paragraphs 0060 and 0067 and the repository of Grosvenor do not anticipate independent Claim 14.

The final Office Action also argues on pages 26 and 27 of the Office Action that Claim 14 is anticipated by Grosvenor describing, at paragraph 0062, that compatible cameras can be synchronized at venues such as football stadiums or theme parks. Although the Grosvenor reference discloses synchronizing compatible cameras, Grosvenor does not describe that the cameras are synchronized by a process including the steps of: monitoring, at a first camera, an area of interest for the presence of potential bondable cameras; receiving, at the first camera, a presence signal from a potential bondable camera; determining bond capability of the potential bondable camera; approving the potential bondable camera as a bonded camera; and communicating media file transfer parameters from the first camera to the bonded camera, as required by independent Claim 14. Therefore, since Grosvenor does not teach or suggest each and every recitation of independent Claim 14, the rejection of Claim 14, as well as dependent Claims 15-23 that depend therefrom, is traversed.

IV. Claims 1-13, 34, 36-53, 55, and 57-68 are patentably distinct from the Grosvenor and the Burr references, viewed alone or in combination.

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The final Office Action rejected Claims 1-13, 34, 36-53, 55, and 57-68 as being obvious over Grosvenor in view of the newly-cited Burr reference. The Burr reference is directed to a mobile ad-hoc network of wireless devices in which one wireless device can share its resources (e.g., memory, processing ability, or communication abilities) with other wireless devices on the network. For example, a first wireless device may be able to communicate with a second wireless device even if the second device is out of the wireless range of the first device by communicating through a third wireless device that is within the range of both the first and the second devices.

With regard to the rejection of independent Claim 1, the final Office Action admits that Grosvenor does not describe a digital device that receives sharing information from a bonded device, the sharing information providing information about how to share collected media files with the bonded device, as recited by independent Claim 1. However, the Office Action submits that the Burr reference describes this feature of Claim 1. In particular, the Office Action cites paragraph 0034 of Burr where it states that a device in a sub-network may provide specialized services to other devices in the sub-network by, for example, sharing its storage capacity, processing capacity, or input/output capacity. The Burr reference, however, is merely describing that a first device may be able to use the memory, the processor, or the communication interface of another device on the network. This section of the Burr reference and, indeed, the entirety of the Burr reference in no way describes a digital device receiving sharing information from a bonded device, the sharing information providing information about how to share collected media files with the bonded device, as recited by independent Claim 1. Therefore, the rejection of independent Claim 1, as well as the claims that depend therefrom, is traversed.

With regard to the rejection of independent Claim 24, the final Office Action admits that Grosvenor does not disclose bonding one or more slave devices to a master device according to predetermined media file transfer parameters communicated to the slave device from the master device, as recited by Claim 24. The final Office Action, however, again cites paragraph 0034 of Burr as disclosing this feature of Claim 24. As described above, paragraph 0034 merely discloses that a first device may be able to use the memory, the processor, or the communication interface of another device on the network. In other words, neither paragraph 0034 nor any other portion of the Burr reference has anything to do with bonding one or more slave devices to a

master device according to predetermined media file transfer parameters, where the predetermined media file transfer parameters were communicated to the slave device from the master device, as recited by Claim 24. Therefore, the rejection of independent Claim 24, as well as the claims that depend therefrom, is traversed.

With regard to the rejection of independent Claims 31 and 34, the Office Action admits that Grosvenor does not describe that a master device receives and compiles the media files and/or the associated metadata and then sends the compilation to the slave devices or to other non-bonded devices, as required by amended Claims 31 and 34 of the present application. In this regard, the Office Action cites paragraphs 0029 and 0032 of the Burr reference as disclosing these features of Claims 31 and 34. The cited sections of Burr, however, merely describe the structure of the mobile ad-hoc network and the structure of the device. These paragraphs and, indeed, all of Burr in no way describe a master device receiving and compiling media files and/or associated metadata and then sending the compilation to bonded slave devices or to other non-bonded devices, as recited by amended Claims 31 and 34. Therefore, the rejection of independent Claims 31 and 34, as well as the claims that depend therefrom, is traversed.

With regard to the rejection of independent Claim 52, the final Office Action admits that Grosvenor does not describe compiling a plurality of media files at a device and communicating the compilation of media files to another device based on sharing information parameters, as recited by amended Claim 52. The Office Action, however, cites paragraphs 0029 and 0032 of Burr as disclosing this feature of Claim 52. As described above, the cited sections of Burr merely describe the structure of the mobile ad-hoc network and the structure of the device. Neither these sections nor any other portion of the Burr reference disclose compiling a plurality of media files at a device and communicating the compilation of media files to another device based on sharing information parameters, as recited by amended Claim 52. Therefore, the rejection of Claims 52, 53, 55, and 57-67 is traversed.

V. Conclusion

For each of the foregoing reasons, Applicants submit that independent Claims 1, 14, 24, 31, and 34, as well as the claims that depend therefrom, are directed to statutory subject matter and are not taught or suggested by any combination of the cited references. Thus, Applicants respectfully request that the rejections of the claims be reversed.